

## **REMARKS**

Claims 1-14 are pending in the present application and have been rejected. Claims 8 and 12 have been amended. No new matter has been added.

Claims 1-14 have been rejected under 35 U.S.C. § 101, since, according to the Patent Office, “the claims fail to produce a concrete, useful, and tangible result so as to realize its functionality” (8/31/06 Office Action at page 3). It is respectfully submitted that claims 1-7 are directed to a computer system that comprises a data store, which is statutory. Moreover, the data store comprises information used to discern objects pursuant to a search. Thus, these claims do produce a concrete, useful, and tangible result. Independent claim 8 has been appropriately amended. Therefore, withdrawal of the rejection of claims 1-14 under § 101 is respectfully requested.

Claims 1, 3-8, and 10-14 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over US 2005/0055355 to Murthy *et al.* (hereafter “Murthy *et al.*”) in view of U.S. Pat. No. 6,591,260 to Schwarzhoff *et al.* (hereafter, “Schwarzhoff *et al.*”).

Claims 1-14 have also been rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Pat. No. 6,016,497 to Suver (hereafter, “Suver”) in view of Murthy *et al.* in further view of Schwarzhoff *et al.*

Claims 1-14 have also been rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Suver in view of the Murthy *et al.* in further view of U.S. Pub. No. 2004/0068696 to Seyrat *et al.* (hereafter “Seyrat *et al.*”).

The Patent Office has also rejected claims 2 and 9 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Murthy *et al.* in view of Schwarzhoff *et al.* in further view of U.S. Pat. No. 6,643,633 to Chau *et al.* (hereafter “Chau *et al.*”).

It is respectfully submitted that with respect to each of the above-referenced rejections under § 103(a), the rejected claims are allowable over the art of record for the reasons set forth below.

Although Applicants do not necessarily agree that Murthy *et al.* when joined with any combination of the cited references (*i.e.*, Schwarzhoff *et al.*, Suver, Seyrat *et al.*, and/or Chau *et al.*) discloses each and every element of the claims rejected under § 103(a), Applicants submit that even if the combination of Murthy *et al.* and any combination of the cited

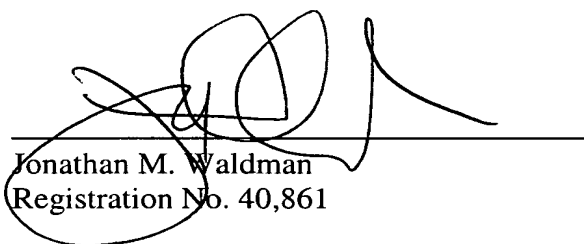
references were to disclose each and every element of the rejected claims, Murthy *et al.* could not properly be used as a reference under § 102(a). This is due to the fact that the subject matter of the rejected claims was invented before September 5, 2003, the operative date of Murthy *et al.*<sup>1</sup>

Applicants have included herewith a Declaration (and relevant attachments) pursuant to 37 C.F.R. § 1.131, in which inventor Conor J. Cunningham attests to the fact that the subject matter of the present invention was invented before the date corresponding to Murthy *et al.*, *i.e.*, before September 5, 2003.

Applicants submit that the attached Declaration disqualifies Murthy *et al.* from being an applicable prior art reference, and accordingly that the rejected claims and their dependents are patentable for at least this reason. Withdrawal of the rejections of claims 1, 3-8, and 10-14 under 35 U.S.C. § 103(a); of claims 1-14 under 35 U.S.C. § 103(a); and, of claims 2 and 9 under 35 U.S.C. § 103(a) is therefore respectfully requested.

In view of the foregoing amendments and remarks, Applicants submit that the above-identified application is in condition for allowance. Early notification to this effect is respectfully requested.

Date: February 28, 2007



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<sup>1</sup> Murthy *et al.* claims priority to Provisional Application No. 60/500,450, which was filed on September 5, 2003.